

REMARKS

Herein, the "Action" or "Office Action" refers to the Office Action dated 12/1/2003.

Election/Restriction

The Office states that the pending claims are subject to a restriction requirement under 35 U.S.C. §§121 and 372 as containing two (2) patentably distinct inventions:

- I. Claims 1-15 and 18-22, drawn to a method of generating a delta between a first and second program binary for the purpose of updating the first program binary, classified in class 717, subclass 168;
- II. Claims 16-17, drawn to a specific method of matching blocks between a first control flow graph and a second control flow graph by computing register flows for each block, classified in class 717, subclass 132 and/or 156;

Applicant hereby elects to prosecute Group I, claims 1-15 and 18-22, in the event that the restriction/election requirements are maintained. Accordingly, Applicant respectfully requests that the Office prosecute Group I, claims 1-15 and 18-22.

Therefore, Applicant withdraws claims Group II, claims 16 and 17 (without prejudice). However, Applicant expressly reserves the right to file a subsequent continuation patent application directed towards Group II.

Serial No.: 09/713,633

Atty Docket No.: MS1-650US

RESPONSE TO OFFICE ACTION DATED 12/1/2003

2

1230031324 G:\MS1-01550us\MS1-650US.m01.doc

any: Kasey C. Christie

Conclusion

All pending claims are in condition for allowance. Applicant respectfully requests prompt issuance of the application. If any issues remain that prevent issuance of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: 12-30-2003

By: 

Kasey C. Christie
Reg. No. 40559
(509) 324-9256 x232
kasey@leehayes.com
www.leehayes.com

421 West Riverside, Suite 500
Spokane, WA 99201
P: 509.324-9256
F: 509.323-8979
www.leehayes.com
lee & hayes

Serial No.: 09/713,633
Atty Docket No.: MS1-650US
RESPONSE TO OFFICE ACTION DATED 12/1/2003

3

1230031324 G:\MS1-01650US\MS1-650US.m01.doc

att: Kasey C. Christie